

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
UNITED STATES OF AMERICA,

-against-

ZIMMIAN TABB,

Defendant.
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**ORDER DENYING
DEFENDANT'S PRETRIAL
MOTIONS**

16 Cr. 747 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

On April 4, 2017, I heard oral argument of defendant's various pretrial motions.

For the reasons stated on the record, I held that:

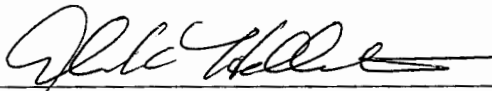
1. Defendant's motion to sever the trial of Count One from Counts Two and Three is denied. *See United States v. Turoff*, 853 F.2d 1037, 1042 (2d Cir.1988) (interpreted Rule 8(a) as providing a liberal standard for joinder of offenses). Defendant may renew his motion if developing evidence makes that appropriate.
2. Defendant's motion to suppress evidence from the vehicular and apartment searches is denied. The Government shall produce the original of the arrest warrant for defendant, or a duly certified copy thereof.
3. Defendant's demand for a bill of particulars is denied. *See United States v. Torres*, 901 F.2d 205, 234 (2d Cir. 1990) ("A bill of particulars should be required only where the charges of the indictment are so general that they do not advise the defendant of the specific acts of which he is accused." (internal quotation marks omitted)).
4. Defendant is authorized to engage fingerprint experts to test a ten-bag sample of the Government's evidence. The testing shall not compromise the admissibility

of the Government's evidence, and the AUSA, or his delagee, may be present to assure the continuing integrity of the evidence.

A status conference will be held on May 5, 2017 at 11:00 a.m. to set a trial date and discuss any further proceedings. The Clerk shall terminate defendant's motion (ECF 22).

SO ORDERED.

Dated: New York, New York
April 4, 2017



ALVIN K. HELLERSTEIN
United States District Judge